

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5842 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SHREE VIVEKANAND MILLS CO LTD

Versus

KANUBHAI M KANSARA & ORS.

Appearance:

MR KAUSHAL THAKKAR for Petitioner

None present for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 30/08/96

ORAL JUDGEMENT

Having heard the learned counsel for the petitioner at length, I do not find any illegality in the orders annexure 'B' made by respondent No.2 and annexure 'C' made by respondent No.3.

2. The respondent No.1 workman filed an application before the respondent No.2, Controlling Authority under

the Payment of Gratuity Act, 1972, for claiming therein, an amount of Rs.3,306.80 towards gratuity. The said application was allowed partly and the petitioner was directed to pay Rs.1,786.50 towards gratuity of the workman. Though it was a nominal amount, but the Company, instead of making of payment of the same to the workman, has taken up the matter in appeal. The Appellate Authority has also confirmed the order of the Controlling Authority. Hence this Special Civil Application.

3. The learned counsel for the petitioner has failed to make out any case for interference of this Court. Both the authorities have found the workman to be entitled for gratuity to the extent of amount of Rs.1,786.50. No error is apparent on both the orders of the authorities. In view of the facts above, this Special Civil Application fails and the same is dismissed. Rule is discharged with no order as to costs.

.....

(sunil)